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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 10/626,697  | 07/25/2003  | Piero Perlo          | Q76660                        | 2687             |
| 7590  | 05/04/2004  |                      |                               |                  |
| SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC.<br>2100 Pennsylvania Avenue, N.W.<br>Washington, DC 20037-3202 |             |                      | EXAMINER<br>SWIATEK, ROBERT P |                  |
|   |             |                      | ART UNIT                      | PAPER NUMBER     |
|   |             |                      | 3643                          |                  |

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/626,697

Applicant(s)

PERLO ET AL.

Examiner

Robert P. Swiatek

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In claim 1, line 1, the abbreviation "VTOL" is unclear and does not properly limit the invention inasmuch as the expression it designates could change over time; the abbreviated phrase should be written in its entirety. In claim 1, line 8, it is unclear what is meant by the wing system being "positioned radially between said fuselage and said first and second rotor [sic]." The wing system is positioned axially between the first and second rotors and radially between the fuselage and baffle plates 12.

Claims 1-14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the control means associated with the second ducted motor of claim 8, the organic-film solar cells of claim 12, and the silica wafer surfaces of claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. The specification also should be amended accordingly to reflect any drawing changes.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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Claims 1-14 are objected to because of the following informalities: In claim 1, line 8, "rotor" should be changed to -rotors-; in claim 8, line 2, "to" should be changed to -with-. Appropriate correction is required.

The disclosure is objected to because of the following informalities: On page 3, line 24, "5" should be changed to -4-, in line 28, "is" should be changed to -are-; on page 4, line 1, the phrase "and allow to reduce" is unclear, in line 16, "Sid" is a misspelling; on page 6, line 7, "using," should be deleted; on page 7, line 29, "ore" is a misspelling; on page 9, line 23, "BY" should be changed to -By-.

Appropriate correction is required.

The patents to Cochran (US 3,002,709), Moffitt et al. (US 5,150,857), Cycon et al. (US 6,170,778 B1), and Plump et al. (US 6,691,949 B2) have been cited to provide examples of prior art VTOL aircraft.

RPS: 1703/308-2700  
27 April 2004

  
ROBERT P. SWIATEK  
PRIMARY EXAMINER  
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